

UNITED STATES COURTS OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4026

RALPH BROOKS, JR.
ON BEHALF OF HIMSELF AND ALL
OTHERS SIMILARLY SITUATED

Appellant

v.

WACHOVIA BANK, NA; WACHOVIA CORPORATION;
EVERGREEN INVESTMENT SERVICES, INC.;
EVERGREEN INVESTMENT MANAGEMENT COMPANY, LLC;
EVERGREEN DISTRIBUTORS, INC.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D. C. No. 06-cv-00955)
District Judge: Hon. James T. Giles

Argued on February 5, 2009

Before: RENDELL and ROTH, Circuit Judges
HAYDEN*, District Judge

*Honorable Katharine S. Hayden, United States District Judge for the District of New Jersey, sitting by designation.

JUDGMENT

This case came on to be heard on the record before the United States District Court for the Eastern District of Pennsylvania and was argued on February 5, 2009.

Upon consideration whereof,

IT IS ORDERED AND ADJUDGED, by this Court that the judgment of the District Court entered September 14, 2007, be and the same is hereby affirmed. Costs taxed against appellant.

All of the above in accordance with the Opinion of this Court.

ATTEST:

/s/Marcia M. Waldron
Clerk

Dated: February 18, 2009

Costs taxed hereto in favor of Appellees, as follows:

Brief.....\$160.00



Certified copy and issued in lieu
of a formal mandate on 03/12/2009

2 Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit